

Order to Appear

The **Order to Appear** is the document that a party uses to inform his/her spouse that he/she is ordered by the court to appear for the divorce hearing on a specific date, time, and place. The information you will need to complete this document will be mailed to you from the court on the Pre-Trial Order. Although your spouse will also receive this Pre-Trial Order and know the date of the hearing, you must use this form to officially order him/her to appear. If your spouse does not appear for court and you **cannot** prove that he/she was ordered to appear, the court may choose to **NOT proceed** with the hearing and reschedule it. If your spouse does not appear and you **can** provide proof that he/she was ordered to appear, the judge **CAN** decide to go ahead with the hearing without him/her and enter a judgment.

*If you and your spouse filed a **Joint Petition** for Divorce/Legal Separation **do not** complete this form.*

Procedural Checklist

1. ☐ Once you receive your **Notice of Pre-Trial Conference**, take it to the Court Self-Help Center (Courthouse, Room C-108) and ask for the **Order to Appear** form.
2. ☐ Complete the form according to the instructions below.
3. ☐ You may have the customer service representative in the Center review the form for completeness.
4. ☐ Take the completed form to the Customer Service window in the Family Court Office, Room C-112, to obtain a court official's signature at the bottom.
5. ☐ Make at least one (1) copy. Make two (2) if the state of Wisconsin is a party. Copies can be made in the Center for a fee.
6. ☐ You must now have the other party(s) served. For information on the methods and tools that are acceptable to the court to have the other party served, you may review and/or purchase the Service Packet in the Court Self-Help Center.
7. ☐ Take the proof that you served the other party (Admission or Affidavit of Service form) and the original Order to Appear to the Pre-Trial Conference. Remember: If you do not have this document and the other party does not come to court, the court may reschedule the hearing for another date.

Instructions for Completing the Order to Appear

1. ☐ Read and follow the instructions on the **Pre-Trial Order**.
2. ☐ Enter the name of the person who filed for divorce above the word "PETITIONER."
Enter the other party's name above the word "RESPONDENT."
3. ☐ Mark with an **X** if the State of Wisconsin is a party to the action or not. If you do not know which box to mark, you may call the Child Support Division for Assistance at (262) 548-7420.
4. ☐ Write your case number on the designated line.
5. ☐ Write the name and address of the Respondent on the lines next to the word "To:."
6. ☐ Using the Pre-Trial Order, write in the name of the Judge to whom your case has been assigned, the courtroom number, date, and time on which your hearing will be held.
7. ☐ The clerk at the Customer Service window in room C-112 will complete the date and signature section on the bottom of the form.

In re the matter of:

PETITIONER

and

RESPONDENT

Order To Appear

☐ STATE OF WISCONSIN is NOT a party
☐ STATE OF WISCONSIN IS a party

Case # _____

To:

(Respondent's First Name) (M.I.) (Last)
_____, Apt # _____
(Street Address)
_____, _____
(City) (State) (ZIP Code)

If the State of Wisconsin is a party to the action, a copy must also be served on the Waukesha County Child Support Division.

IT IS HEREBY ORDERED that the Respondent named above is required and commanded to appear:

BEFORE:

Circuit Court Judge

PLACE:

Room _____, Waukesha County Courthouse,
515 West Moreland Boulevard, Waukesha, Wisconsin 53188.

DATE:

_____, 20_____
(Month) (Day) (Year)

TIME:

_____ o'clock, _____.m.

Failure by the Respondent to appear may result in the Court entering a judgment of Divorce or Legal Separation in his/her absence.

IT IS FURTHER ORDERED, that a copy of this Order be personally served upon the respondent above party at least twenty-four (24) hours before the time of hearing if found within Waukesha County, and at least seventy-two (72) hours before the hearing if found in this State, but not in Waukesha County.

DATED this _____ day of _____, 20____.

BY THE COURT:

Circuit Court Judge/Commissioner